



# NEWS RELEASE

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## Summary of Cases Accepted During the Week of June 22, 2009

**#09-31 *Greene v. Marin County Flood Control & Water Conservation District, S172199.*** (A120228; 171 Cal.App.4th 1458; Marin County Superior Court; CV 073767.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does the secret voting requirement contained in article II, section 7, of the California Constitution apply to special elections conducted by local agencies pursuant to article XIII, section D, of the California Constitution, enacted by voters as Proposition 218, to assess a fee against property owners benefited by a particular project? (2) If so, was that secrecy requirement violated here, even though the District's voting procedures were designed to ensure the secrecy of the vote, because the District failed to provide each voter with an individualized assurance that his or her vote would be held in confidence?

**#09-32 *K.J. v. Roman Catholic Bishop of Stockton, S173042.*** (C058034; 172 Cal.App.4th 1388; San Joaquin County Superior Court; CV032693.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Did the Court of Appeal err in concluding that plaintiffs were not entitled to rely on the delayed discovery provisions of the statute of limitations (Code Civ. Proc., § 340.1) for claims of childhood sexual abuse against specified non-perpetrators who knew of the abuse and had the ability to prevent it but failed to do so?

**#09-33 *Grodensky v. Artichoke Joe's Casino, S172237.*** (A119035, A119036; 171 Cal.App.4th 1399; San Mateo County Superior Court; CIV424170.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing deferred pending decision in *Lu v. Hawaiian Garden Casinos, S171442* (#09-20), which presents the following issue: Does Labor Code section 351, which prohibits employers from taking "any gratuity or part

thereof that is paid, given to, or left for an employee by a patron,” create a private right of action for employees?

## STATUS

**People v. Martinez, S075699.** The court requested the parties to file supplemental letter briefs addressing recent decisions relevant to the issue arising under *Crawford v. Washington* (2004) 541 U.S. 36 in this automatic appeal.

**#07-201 People v. Freeman, S150984.** The court requested the parties to file supplemental letter briefs discussing the impact, if any, of the decision of the United States Supreme Court in *Caperton v. A.T. Massey Coal Co., Inc* (2009) 550 U.S. \_\_\_\_ [2009 WL 1576573] on the issue on which review was granted in this case.

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